

# Notice of Allowability

Application No.

09/870,087

Examiner

Michael J. Yigdall

Applicant(s)

SINHA, NAVIN KUMAR

Art Unit

2192

-- **Th MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's submission filed on March 1, 2006.
2. ☒ The allowed claim(s) is/are 2, 7-9, 12 and 17-19 (renumbered 1-8).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20060526.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
TUAN DAM  
SUPERVISORY PATENT EXAMINER

**DETAILED ACTION**

1. This Office action is responsive to Applicant's submission filed on March 1, 2006.

Claims 2, 7-9, 12, 17-19 are pending.

***Response to Amendment***

2. The rejection of claims 1-20 under 35 U.S.C. 103(a) is withdrawn in view of Applicant's amendment.

*Examiner's Amendment*

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Anthony England (Reg. No. 35,129) on May 26, 2006.

4. The application has been amended to remedy an issue of non-statutory subject matter under 35 U.S.C. 101, in the manner presented below.

IN THE CLAIMS

Please amend claim 12 as follows:

Claim 12 (currently amended),

at line 3, please delete "computer-readable medium" and insert --computer-readable storage medium-- therefor.

*Allowable Subject Matter*

5. Claims 2, 7-9, 12, 17-19 are allowed.
6. The following is an examiner's statement of reasons for allowance.

The prior art of record does not teach or suggest "performing a computation by the compiler for determining  $n + 1$  values for the variable in the loop termination condition, such that a first one of the values would, upon execution at run time, terminate the loop code segment in 0 iterations, a second one of the values would, upon execution at run time, terminate the loop code segment in 1 iteration, and an  $(n + 1)$ th one of the values would, upon execution at run time, terminate the loop code segment in  $n$  iterations" in the manner and combination recited in each of independent claims 2 and 12.

U.S. Patent No. 5,361,354 to Greyzck, now made of record, discloses optimizing loop constructs in code (see, for example, the abstract), including the step of determining values for the variables in a loop termination condition such that the values terminate the loop code segment in different numbers of iterations (see, for example, column 3, line 30 to column 4, line 59), but does not disclose the elements noted above as recited in the claims.

7. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 2192

*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Yigdall whose telephone number is (571) 272-3707. The examiner can normally be reached on Monday through Friday from 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJ

Michael J. Yigdall  
Examiner  
Art Unit 2192

mjy



TUAN DAM  
SUPERVISORY PATENT EXAMINER